

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

RUSSELL E. ROBINSON,

Plaintiff,

V.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil No. 2022-21

## REPORT AND RECOMMENDATION

Before the Court is *pro se* plaintiff Russell Robinson’s “Motion Seeking Leave of Court to File Verified Complaint Pursuant to 28 U.S.C. §§1346(b)(1); 2680 (c)(4) First Amendment Pursuant to Local Rule 15.1, and FED.R.Civ.Proc., Rule 15(c)(1)(B)(C)(i)(ii)(2) to Include ‘Bivens’ Claims.” [ECF 17]. Following that filing, this Court entered an Order pointing out that plaintiff “failed to comply with Local Rule of Civil Procedure 15.1, which requires the party seeking to amend to reproduce the pleading ‘as amended specifically delineating the changes or additions.’ LRCi 15.1.” [ECF 19]. The Court informed plaintiff that “to consider this motion plaintiff must first comply with Local Rule 15.1,” and gave Robinson a deadline for complying with the local rule. *Id.* The Court further advised that the failure to comply may lead to the denied of the motion to amend. *Id.*

The same day the Order was entered, Robinson filed another document, bearing the same title as docket entry 17. [ECF 20]. Therein, he purported to comply with the Order by filing a “clarification Statement via this Motion to *specifically describe*, that the relation back amendment is for the legal purpose of including” a Biven claim. This second motion, like the first, does not comply with Local Rule 15.1.

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Accordingly, it is RECOMMENDED that both motions to amend [ECFs 17, 20] be DENIED.

Any objections to this Report and Recommendation must be filed in writing within 14 days of receipt of this notice. Failure to file objections within the specified time shall bar the aggrieved party from attacking such Report and Recommendation before the assigned District Court Judge.  
28 U.S.C. § 636(b)(1); LRCi 72.3.

**Dated:** March 6, 2023

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**RUTH MILLER**  
United States Magistrate Judge